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Time for New Tactics on Rosenberg-Sobell, Too

While the Communists are taking a second look at so much in their recent past, we suggest they take a second look too at the Rosenberg-Sobell case. If they really want to help poor Sobell, the time has come for a change of tone and tactics.

The Rosenberg case suffered from the fact that it became a propaganda weapon in the cold war. The agitation was conducted in so shrill, hysterical and mendacious a way as to offend many who might have been won over by sober presentation; the intent was so clearly to defame the United States as unnecessarily to antagonize.

It should be evident now even to the Communists in the light of the Krushchev revelations that the Rosenbergs were treated a good deal more fairly here than Slansky and other Jewish victims of Stalinist justice. By American standards, the Rosenberg case is unsatisfactory. The discovery of the console table merited a new trial; the Supreme Court never reviewed the case; the way the Douglas stay was steamrollered was scandalous; the death sentence—even if they were guilty—was a crime.

Equating Truman With Hitler!

But the Communists also have cause for shame. The false cry of anti-Semitism, the eagerness abroad to use the Rosenbergs to equate the U.S.A. of Truman with the Germany of Hitler, the wild cries of frame-up, sacrificed calm consideration of the Rosenberg case to the needs of world Communist propaganda. After all, no picket lines circled the Kremlin to protest the executions of Jewish writers and artists; they did not even have a day in court; they just disappeared. Slansky was executed overnight without appeal in Prague. How the same people could excuse Slansky and the "doctor's plot" and at the same time carry on the Rosenberg campaign as they did calls for political psychiatry.

Yet the same tactics are evident in the campaign to free Sobell. The 30 years to which he was sentenced are fantastic; his incareration in Alcatraz cruel; the proof against him far from conclusive. But that letter of Bertrand Russell's to the *Manchester Guardian* in March, with its comparison of Nazi and FBI "atrocities," is in the strident and hysterical tradition of the Rosenberg campaign. Jean Paul Sartre's in the *New York Times* of June 15 was not much better. Such letters—for all their good intention—will not help Sobell nor will they help in the struggle to purge men's minds of fear, hysteria and hate so that we may live together on the one planet.

The result of the kind of campaign reflected in the Russell and Sartre letters is the kind of intemperate decision Judge Kaufman handed down last week rejecting Sobell's appeal for a new trial. From the first page, which speaks of the "avalanche of evidence" against the Rosenbergs to that final footnote which claims for the FBI a "reputation for high standards of fairness," the Kaufman decision reacts with febrile overstatements of its own.

The FBI certainly does *not* have a reputation for "high standards of fairness" as scores of loyalty cases in Washington testify. On the other hand, it is vicious nonsnse to compare the FBI with the secret police of Germany and Russia. God help us if we ever get to the point where the FBI can do here what the Gestapo did in Germany and the secret police can still do in the Soviet Union.

The Kaufman decision will be appealed. Legally I am afraid that Judge Kaufman has the better of the argument; I did not think the Sobell pleadings substantial enough for a new trial when I first saw them. These same questions should have been raised at the original trial; they are not new; they were raised five days after the trial on a motion in arrest of judgment.

False Hopes Raised

False hopes were stimulated, false impressions given, by this motion for a new trial. It was not based on new evidence tending to clear Sobell; it claimed that his kidnapping in Mexico was a violation of our extradition treaty with that country and therefore if this was proven true at a new trial he should be released. The Sobell defense will have to do better if it is to free him.

We suggest that the first step in freeing Sobell would be to free his case from the burden of using it to prove the Rosenbergs victims of a frame-up. Three books have now been written on the Rosenberg case but none of them prove this. William A. Reuben's tried to prove too much—that there never was any atomic espionage. John Wexley's is brilliant but a quicksand of surmise and dubious inference. The new one, by Professor Malcolm P. Sharp, "Was Justice Done?", helps to demolish its predecessors but is itself inconclusive.

We just don't know enough yet. Both the Rosenberg and Sobell cases are so unsatisfactory because it is a question of one man's word—one alleged conspirator's word—against another's. Who was telling the truth—the Rosenbergs or Greenglass? Who was telling the truth—Sobell or Elitcher? It will be a long time, if ever, before we know for certain. We may wake up one morning to learn that the Rosenbergs were guilty. We may wake up to learn that they were innocent. But I doubt whether we will ever find there was a deliberate frame-up. Fanaticism had the same momentum on both sides.

But guilty or innocent, Sobell has a case for clemency, as did the Rosenbergs. The 30-year sentence is beyond all reason. The time has come to make an appeal for the man Sobell, and to divorce his case from the Rosenberg cult and cold war political frenzies.

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Why Wilson Was Talking Plain Sense When He Called The Budget Fight "Phony"

The Fundamental Issues Posed by the Air Force Victory

The vote in the Senate last week increasing the Air Force budget by almost a billion dollars is a political event of the first magnitude. It shows the effect of trying to run the government without a President well enough to lead. It indicates that, from a sickbed at least, even General Eisenhower's great prestige as a soldier is not enough to overcome the efforts of the aviation lobby in Congress. It demonstrates a dangerous tendency by the military successfully to go over the heads of the civilians in supposed command at the Defense Department. It indicates that even as against big business men like Charles Wilson and George Humphrey, the Air Force crowd can win—imagine what they could do with liberals in command, susceptible as they would be to Red smear. The vote also threw a spotlight on where the Democrats stand—for the arms race, with Malone, Welker and McCarthy, the Rightists of the Republican party. And the arms race means a drift to war. The aviation industry and the Air Force have a vested interest in world tension and an emotional readiness for war.

Charlie Wilson may lose his job for not obeying the first rule of successful politics—which is never to upset that delicate balance of mutual pretense and hypocricy which maintains a respectable facade for Congress and its members. There never was a more phoney campaign than this one for more Air Force funds. The Air Force has more money than it can use now; neither aviation plants nor Air Force personnel are adequate now to its vast appropriations. Senator Byrd gave the figures to the Senate in a last ditch effort to block an increase. They are fantastic. He said that as of July 1 this year, the end of the fiscal year, the Air Force had $13,600 millions in unexpended balances for aircraft procurement, of which $4,600 millions were unobligated. He said the Air Force will actually spend $6,400 millions for new aircraft this year, which would leave $13,000,000,000 unexpended at the end of the fiscal year.

Encouraging Extravagance

"To add another billion dollars to appropriations," Senator Byrd pleaded, "would simply mean increasing balances in carryover appropriations, which cannot possibly be spent in the foreseeable future. It would not," he added, "in my judgment, bring a single additional aircraft off the production line next year or the year after next. . . . To increase these huge unexpended balances would merely increase funds available to spending agencies for expenditure in subsequent years, with virtually no control by either the Appropriations Committee or by Congress. Extravagance inevitably is the result of unnecessary appropriated balances."

Yet though these figures are well known and none challenged them, nobody spoke up to defend Wilson for using plain language about it. When Senator Russell of Georgia said indignantly that Wilson "has sought to intimidate the officers of the armed services from fully expressing their opinions to, and advising with, the Congress of the United States," no liberal or conservative rose to puncture this inflated language. Does Russell believe it good practice to encourage anarchy in the armed services, to destroy civilian control and sound budgetary practice by inviting the various services to indulge in a scramble for funds on Capitol Hill?

Buying Obsolete Planes

The leader of the successful fight was Symington, the aviation lobby's man. The most serious technological aspect of these bloated figures is the encouragement they give to mass production of obsolete planes. To provide funds now which cannot possibly produce planes for several years is to make contracts now for planes which will be out of date when they finally come off the production lines.

The only answer to this is the kind of hysterical nonsense in which Byrd indulged when he told the Senate the vast sums spent on the now obsolete B-36's ($6 million apiece) were not wasted because "the shadow of the B-36 in the skies is what kept Russians behind the Iron Curtain." The main front at home in the fight for peace is the fight against this aviation lobby, and here the Democratic party as a whole is on the wrong side of the fence.

Nothing Like A Nice Cool Non-Sequitur On A Hot Day in Congress

Mr. TUMULTY. Has any study been made or any projection been made of how much foreign aid will cost by the year 2,000 or aid to Tito by the year 2,000?

Mr. LONG. No, but I should say that cost would be in excess of $200 billion. . . .

Mr. WILLIAMS. I requested the Library of Congress some time ago to furnish me certain statistical information. . . . Amazingly enough I found that we had given away some $51 billion to foreign countries in the last 10 years. The cost of our entire veterans' pension and benefit programs from the Revolutionary War to the present time amounted to little over $93 billion.

—House of Representatives, June 26.

New German and Chinese Policies to Be Unveiled After the Election

There are signs here in Washington that after the election the Administration is planning for new policies on the two world logjams—China and Germany. The marathon talks with Red China at Geneva are to go until after November, when serious consideration of a meeting between Chou En-lai and John Foster Dulles (if he is still Secretary of State) will begin. Renewed warfare in Korea can alone block a conference of this kind, and therefore Korea—Chiang Kai-shek's last desperate trump card—is the danger point to watch.

On Germany, sentiment is building up within the Administration for reunification in return for neutralization. Two years ago when Senator Flanders of Vermont first broached this idea he found "monolithic" (his word for it) opposition in State Department and White House. He indicated in bringing the proposal up again last week in a Senate speech that he is no longer alone in Republican ranks in this point of view. A similar idea is to be found in White House Adviser John J. McCloy's foreword to the book, "Russia and America", recently published by the influential Council on Foreign Relations. McCloy went further than Flanders by advocating acceptance of the Oder-Neisse line as part of such a deal.

Dulles and Adenauer still oppose such a solution, and a breaking off of relations between Bonn and Moscow—if it could be achieved—might serve to "refreeze" this part of the cold war, temporarily at least. But such a move would be unpopular in Germany. Flanders said his speech two years ago brought unexpected response from the Germans themselves. "These correspondents," he told the Senate of letters he received, "had had enough" of German militarism. Flanders also told the Senate, "When I was in Paris last summer, a high placed public figure said to me, 'We are in favor of German reunification, but not too soon.'"

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How The House Un-American Committee "Blackmailed" Arthur Miller

Arthur Miller came out of his own "Crucible" poorly. It was a painful experience to see him before his inquisitors. His only ringing affirmation was on Republican Spain; he wasn't too intelligent in his replies on the Smith Act; and when he was asked whether it was true—Crime No. 1—that he had opposed the House Un-American Activities Committee, he responded with a mumble instead of a challenge.

Miller's difficulty was that he had been "blackmailed." The Committee was able to put the screws on him (1) because he had misrepresented to the New York Youth Board in 1950 the nature of the non-Communist oath he had taken at the State Department several years earlier for a passport and (2) this oath was itself brought into question because he had once applied for membership in what Committee counsel claimed was the Communist party and Miller said was only a Marxist study group for writers. There was hardly grounds here for a perjury prosecution, but the Committee might have threatened him with one anyway—and the Lattimore case shows how much trouble they can create with how little substance.

The Committee may make a hero of Miller yet if it insists on citing him for contempt because he refused to name others at a Marxist writers' session he attended. Chairman Walter, at first hesitant, seems to have been put under pressure. The history of inquisitions—from those of Spain to those of Stalin—shows that a suspected heretic can only be broken morally and made fully captive by forcing him to inform on others, especially those closest to him. Can the Committee overlook refusal to name names in Miller's case and continue to apply the squeeze on others?

The Committee taints all it touches. Honest differences of opinion with the Communists, honest disagreements, and final disillusion—Miller's experience like that of so many other intellectuals—are all made to sound hollow, false and cowardly when a man has to discuss them in such a forum. This is the way the Committee dwarfs the moral stature of the anti-Communist and makes him seem a heel. This is the Committee's own secret contribution to Communism.

What would we think if a leading Russian dramatist—of Miller's prestige—were forced publicly in Moscow to explain that he was anti-capitalist, with the threat of a perjury prosecution hanging over him if he didn't? What a belly-laugh we would get out of the spectacle? But isn't that just what Walter and his colleagues did in the Miller affair?

There were several amusing moments the press did not cover. One was when ex-FBI man Velde, chairman of the committee under the Republicans, assured Miller that it was no crime to be against the Smith Act. Another was when Chairman Walter admitted that he, too, had once made contributions to the Joint Anti-Fascist Refugee Committee "to help get Jewish refugees out of Germany." It seems we all have dark spots in our past.

Screwiest scene of all was the appearance of Committee Counsel Ahrens, who belongs among the lesser clowns in Barnum & Bailey, as a great white knight of liberalism. He wanted to know why Miller hadn't defended the civil liberties of Ezra Pound or protested when a 1950 civil liberties meeting run by the Communists (and stampeded into folly by Paul Robeson) had refused to defend Trotzkyites too under the Smith Act. (A Committee member had to remind Ahrens that Pound was convicted of war time treason—and not just put away, as Ahrens would have one believe, for writing anti-Communist pamphlets.) Someone should have gotten up and drawn a diagram for Ahrens. If Miller was wrong not to defend the civil liberties of Fascists and Trotzkyites, how much wronger is Ahrens who won't defend *anybody's* civil liberties?

P.S. We wait to see whether the Committee by a contempt citation and the State Department by refusing a passport will have the nerve to trample on America's deepest feelings—is there a red-blooded American boy from six to sixty who does not hope some day to marry Marilyn Monroe?—and upset Miller's honeymoon plans. Surely, as at Lexington, there is a point at which America will stand and fight.

Deed-of-The-Week

If the Voice of America weren't frightened to death of the voices-for-Fascism which infest our Congress, its main propaganda feature of the week would have been the decision by Peter J. Hoegen, legal referee of the Social Security Administration, restoring the old age pension benefits of William Z. Foster and six other Communist party leaders or their wives under the Social Security Act.

That an unknown minor official should still have the courage and the power in times like these to reverse a decision by the Department of Health, Education and Welfare in favor of these seven elderly radicals is something which would really encourage America's friends abroad. If there was equal conscience in Congress, an investigating committee would find out who was responsible in the first place for initiating so mean, petty, vindictive and dangerous an action.

These Communists paid their social security benefits all these years and are entitled to their pensions; once let the witch hunters apply political standards to social security and they will be hounding in their old age everybody who once gave $5 to Republican Spain in their youth. Our hat is off to Mr. Hoegen.

Thanks to the Supreme Court, The Braden Case Has A Happy Ending

Nothing illustrates more vividly than the Braden case the Supreme Court's wisdom in deciding in the Steve Nelson case that the Federal government should have exclusive jurisdiction to prosecute for sedition. The 15-year prison sentence thrown out by the Kentucky Court of Appeals on the basis of the Nelson decision was striking evidence of how terribly State sedition laws can be abused. When Carl Braden and his wife helped a Negro couple buy a home only to see that home dynamited by hostile whites, who would have dreamed that the authorities—instead of punishing the dynamiters—would send Braden to jail for "sedition"?

State sedition prosecutions, like the Louisville and Pittsburgh cases, and those of the 20's under similar State criminal syndicalism laws, show that the closer one gets to the "grass roots" of society the more one is at the mercy of the lynch spirit and official lawlessness. The Federal government operates on a higher level of sophistication and in an atmosphere which eliminates the cruder kinds of frameup. This is worth consideration by those given to rhetorical democratic flights of fancy about "the common man" and "the people." The Kentucky "common man" couldn't have cared less.

The Kentucky decision will also upset the indictments of Mrs. Braden and five other whites for "sedition" in connection with the same bombing. But will the Louisville Courier-Journal, one of our better and braver newspapers, give Carl his job back as a copy-reader? The American Civil Liberties Union deserves applause for defending Braden and the Emergency Civil Liberties Committee for raising his $40,000 bond. But why did the National Association for the Advancement of Colored People take so chilly an attitude toward this case? And will Kentucky now find the men who dynamited the Wade house and prosecute them?

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The Untold Story of The Tense Day Before the President Fell Ill

Better Than Leaving Federal Employes to The Mercies of Brownell

In all the discussions of the President's illness, no one seems to have mentioned the extraordinary emotional strain to which he was subjected the day before his attack of ileitis. Mr. Dulles that day forced him to issue a statement "correcting" his previous day's press conference remarks on neutralism, a reversal that made Mr. Eisenhower look—and must have made him feel—very foolish. His Attorney General also added to his strain that day. Originally Harry Cain was to have seen the President at 8:30 a.m. but at the last minute the appointment was put off until 3:30 p.m. Mr. Brownell took the 8:30 a.m. appointment himself and at 11:30 a.m. the chairman of the Civil Service Commission went to the White House in order to "prime" the President against Cain. . . .

Quis custodiet?: Four classes of government employes only are exempt from loyalty-security clearance in the Rees bill (HR 11841) to establish a loyalty review system covering all Federal workers. The four exempt classes are (1) the President or Vice President, (2) any officer appointed by the President by and with the advice of the Senate, or by the President alone, (3) temporary construction or maintenance workers employed at hourly rates and (4) "an officer or employe in the Federal Bureau of Investigation." Since the whole loyalty program depends on the integrity of the FBI in collecting so-called "derogatory" information, it seems strange that the FBI should be exempt from loyalty surveillance. We suspect a loyalty check would turn up a lot of strange characters on the FBI rolls. . . .

Better Than The Walter-Eastland Bill

This Rees bill merits close study. The Walter-Eastland bill (HR 11721 in the House), introduced immediately after the Supreme Court's decision in the Cole case, is a skeleton stop-gap measure designed to "reverse" that ruling and declare that all government employes without exception are subject to the 1950 Act permitting "security" suspensions in the "absolute discretion" of department heads. The Rees bill, introduced five days later, is a comprehensive measure for meeting the situation created by the Cole decision, which limited the 1950 act to "sensitive" positions. It acquires weight in Congress because its sponsor, Rees of Kansas, is the ranking Republican on the Post Office and Civil Service Committee.

Some strange history lies back of this Rees bill. Everyone seems to have forgotten that it was a similar Rees bill in 1947, when he was chairman of this same committee, which led to the promulgation of the Truman executive order setting up the first Loyalty Review Board. The executive order was a last-ditch effort by the Democrats to block passage of the Rees bill, and the maneuver succeeded. But as I pointed out in the newspaper *PM* at the time, the Rees bill actually gave the Federal employe a little more protection against unfounded accusation and unfair hearings than did the executive order.

In any case, so far has the drift gone, that the "reactionary" of 1947, sponsoring much the same bill as then, now seems to offer the one hope of affording some basic safeguards to Federal employes in the "non-sensitive" departments not covered by the 1950 Act. The Walter-Eastland bill would give Federal employes no rights whatsoever; whether and how to suspend or fire them, how much of the charges against them would be disclosed—all would depend on the department head. A hearing of a sort would be provided, but the word "hearing" is a misnomer when there is no right to know the charges, to examine the accusers, or to suspoena witnesses in one's own defense.

Small, But Still Mercies

There are, by contrast, small mercies in the Rees bill for which the Federal employe may be grateful. And those concerned with protection of Federal workers would be well advised to fight out their battle in Congressional legislation rather than to leave the new loyalty rules to be worked out privately, as they otherwise will be, by Herbert Brownell and J. Edgar Hoover. The existence of the Rees bill might be used to block the Walter-Eastland measure, and hearings before the House and Senate Post Office and Civil Service committees can be utilized to press for salutary amendments.

It would be better, of course, if we could shake off this whole loyalty nightmare at least in "non-sensitive" positions but that is still a long way off. We do not advocate the Rees bill but in several respects it is superior to Brownell's practices. The basic standard of the bill is better: "whether, *based on all the evidence*, there is a reasonable doubt of loyalty." At present *any* doubt is enough for discharge. The FBI field report would be required to give "all evidence" pertaining to loyalty, not just "derogatory" information. The Loyalty Review Board would be allowed to disclose sources of information when in its discretion "the interest of justice so requires." At present "security" and not "justice" is the standard in withholding sources. In addition the Board could require the Attorney General to explain why an organization had been "listed" by him as subversive. These provisions, feeble as they are, would still give an employe more protection than he has now.

Next Week: Some New Angles on The Fund for The Republic Report on The "Blacklist"

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